

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PAVEL ZISSU and AISE ZISSU,)
)
)
Plaintiffs,)
)
)
v.) Case No.: 1:15-cv-02394
)
)
IH2 PROPERTY ILLINOIS, L.P., a)
Delaware Limited Partnership,) Judge John Z. Lee
)
)
Defendant.)

JOINT INITIAL STATUS REPORT

I. Nature of the Case

A. Attorneys of Record

1. For the Plaintiffs
 - i. Anthony J. Peraica; lead trial attorney
 - ii. Selwyn M. Skevin
2. For the Defendants
 - i. Miles Victor Cohen; lead trial attorney
 - ii. Sonia Sharma Kinra

- B. The basis for federal jurisdiction is a civil action where the amount in controversy allegedly exceeds \$75,000.00 and is allegedly between citizens of different states.
- C. The claims asserted are for negligence, trespass to chattels, conversion, bailment and intentional infliction of emotional distress. There are no counterclaims currently on file.

D. The major legal and factual issues are:

1. Whether the Defendant owed a duty to the Plaintiffs in any manner;
2. Whether the Defendant's actions were negligent, reckless, and/or extreme and outrageous;
3. Whether the Defendant asserted control over the Plaintiffs' property;
4. Whether the Plaintiffs' were harmed and if their use of the property was interfered with;
5. Whether the Defendant failed to return the Plaintiff's personality in its entirety and failed to return the property in non-damaged condition;
6. The value of the Plaintiffs' property which was allegedly damaged/destroyed or discarded/abandoned;
7. Whether Plaintiffs failed to mitigate their alleged damages;

8. Whether Plaintiffs own negligence contributed to their alleged damages; and
9. Whether Plaintiffs assumed the risk of alleged damage or harm to their property by not moving from the premises after the Order for Possession was entered.

E. The relief sought is damages in excess of \$75,000.00 and compensatory damages, interest, attorneys' fees, and all other appropriate relief to which Plaintiffs allege they are entitled under the law, including possible punitive damages.

II. Pending Motions and Case Plan

- A. Date of Initial Status Hearing: Tuesday, June 2, 2015 at 9:00 a.m.
- B. Defendant filed a FRCP Rule 12(b)(6) Motion to Dismiss on May 22, 2015.
- C. Discovery Plan Proposal:
 1. General type of discovery includes depositions, interrogatories, production of documents, subpoenaed information.
 2. Date of Rule 26(a)(1) disclosures: July 13, 2015
 3. Date to issue written discovery: July 30, 2015
 4. Fact discovery completion date: November 9, 2015
 5. Expert discovery completion date: Reserving right as no experts anticipated at this time.
 6. Date for filing of dispositive motions: December 14, 2015.
- D. Trial
 1. Jury trial is requested.
 2. Probable length of trial is 2 to 3 days.

III. Plaintiffs do not consent to proceed before a Magistrate Judge.
Defendant consents to proceed before a Magistrate Judge.

IV. Status of Settlement Discussions

- A. Plaintiff's counsel sent a demand on May 18, 2015 to Defendant's counsel which was received on May 21, 2015.
- B. No settlement discussions have occurred as of the date of this report.
- C. Plaintiffs and Defendant request a settlement conference.

Attorneys for Plaintiffs

Anthony J. Peraica, Esq., ARDC No. 6186661
Selwyn M. Skevin, Esq., ARDC No. 6305289
Anthony J. Peraica & Associates, Ltd.
5130 S. Archer Ave.
Chicago, Illinois 60632
Phone No. (773) 735-1700

Attorneys for Defendant

Miles V. Cohen, Esq. (6242698)
Sonia S. Kinra, Esq. (6271271)
Scott & Kraus, LLC
150 S. Wacker Drive, Suite 2900
Chicago, Illinois 60606
Phone No. (312) 327-1375